

HC-001

Name: Barry Slade
 Address: P.O. Box 901
Imperial, CA 92251

FILED**MAY 18 2022**CDC or ID Number: BJ6006

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY [Signature]
 DEPUTY CLERK

Sacramento Co. Superior Court

(Court)

<u>Barry Slade</u>
Petitioner
vs.
<u>Raymond Madden</u>
Respondent

PETITION FOR WRIT OF HABEAS CORPUSNo. 2:22-cv-0843-CKD (HC)

(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original of the petition and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2018). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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This petition concerns:

- ☐ A conviction
 ☐ Parole
☒ A sentence
 ☐ Credits
☐ Jail or prison conditions
 ☐ Prison discipline
☐ Other (specify): _____

1. Your name: Barry Slade
 2. Where are you incarcerated? Kidnapping, Child endangerment
 3. Why are you in custody? ☒ Criminal conviction ☐ Civil commitment

Answer items a through i to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Kidnapping with midterm double up and Child endangerment upper term double up

- b. Penal or other code sections: 207, 273a

- c. Name and location of sentencing or committing court:

Sacramento Co. Superior Court - Sacramento

- d. Case number: 2:21-cv-0464 KJM/KJN

- e. Date convicted or committed: Oct. 23, 2018

- f. Date sentenced: 05-24-2019

- g. Length of sentence: 15 years 4 months

- h. When do you expect to be released? 2029-28-06

- i. Were you represented by counsel in the trial court? ☒ Yes ☐ No If yes, state the attorney's name and address:

Robert Woodard, VA

4. What was the LAST plea you entered? (Check one):

☒ Not guilty ☐ Guilty ☐ Nolo contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

The trial court imposed an enhancement that double my time when being sentenced from a strike from juvenile

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where).

I am challenging the enhancement I was given from my Judge on October 09, 2021 a Senate bill was approved Sb-81 Sentencing & dismissal of enhancements I fill I fit this Senate bill due to I was given a double up on my time due to a strike I was given as a juvenile that triggers the enhancement I was given the strike on 6-16-13 in Sacramento County Juvenile Court at the age of 16 years old if you look at Senate bill 81 you will see that it say "the defendant was a juvenile when they committed the current offense or any prior juvenile adjudication that triggers the enhancement or enhancements in this case" and if the enhancement is based off a prior conviction that is over five years old which my is, that why I fill I meet the Senate bill to dismiss the enhancement

b. Supporting documents:

Attach declarations, relevant records, transcripts, or other documents supporting your claim. (See *People v. Duvall* (1995) 9 Cal. 4th 464, 474.)

c. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

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7. Ground 2 or Ground _____ (if applicable):

[illegible]

a. Supporting facts:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

b. Supporting documents:

[illegible]

c. Supporting cases, rules, or other authority:

[illegible]

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8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes ☐ No If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): Court of appeal
- b. Result: Reduces 16 month state's charging sentence c. Date of decision: 04-21-20
- d. Case number or citation of opinion, if known: 18PBE020527
- e. Issues raised: (1) Kidnapping Sentence
(2) Expiring Sentence
(3) asportation element
- f. Were you represented by counsel on appeal? ☒ Yes ☐ No If yes, state the attorney's name and address, if known: Stephen Gilbert Esq. Box 5385 Santa Monica, California 90409
9. Did you seek review in the California Supreme Court? ☒ Yes ☐ No If yes, give the following information:
- a. Result: deny review b. Date of decision: _____
- c. Case number or citation of opinion, if known: 18PBE020527
- d. Issues raised: (1) asportation element of simple kidnapping
(2) _____
(3) _____
10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal (see *In re Dixon* (1953) 41 Cal.2d 756, 759):
I didn't bring up this claim because the law wasn't passed yet
11. Administrative review:
- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.) Explain what administrative review you sought or explain why you did not seek such review:

- b. Did you seek the highest level of administrative review available? ☒ Yes ☐ No
Attach documents that show you have exhausted your administrative remedies. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court, including this court? (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 and *In re Miller* (1941) 17 Cal.2d 734, 735.)
☒ Yes If yes, continue with number 13. ☐ No If no, skip to number 15.

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- 13 a. (1) Name of court: United States Courts
 (2) Nature of proceeding (for example, "habeas corpus petition"): Habeas corpus petition
 (3) Issues raised: (a) kidnapping sentence
 (b) _____
 (4) Result (attach order or explain why unavailable): Still ongoing
 (5) Date of decision: _____
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
- _____

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
- _____

16. Are you presently represented by counsel? ☐ Yes ☒ No If yes, state the attorney's name and address, if known:
- _____

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes ☐ No If yes, explain:
just a case going in the United States Courts, Office of the Clerk
United States District Court
- _____

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
- _____

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 06-14-22

► [Signature]
 (SIGNATURE OF PETITIONER)